



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	BOARD OF ARCHITECTS
MEETING DATE AND TIME:	Wednesday, March 7, 2012 at 1:00 p.m.
PLACE:	861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware
MINUTES APPROVED:	May 2, 2012

MEMBERS PRESENT

Joseph Schorah, Public Member, Secretary
Peter H. Jennings, RA, Professional Member
Richard Wertz, RA, Professional Member
Kevin Wilson, RA, Professional Member
Brian Lewis, Public Member
Prameela Kaza, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Andrew Kerber, Deputy Attorney General
Nicole M. Williams, Administrative Specialist II

ABSENT

Kenneth Freemark, RA, Professional Member, President
John Mateyko, RA, Professional Member
Elizabeth Happoldt, Public Member

OTHERS PRESENT

Nancy Payne, AIA Delaware
Paul Guggenberger
Anderson Wright
David Thomas
John Hendrickson
Patricia Hendrickson
Richard Berl, Esq.
Pat Ryan
Stacey Stewart, Prosecuting Deputy Attorney General
Tony Hernandez, Division Investigator
Kim Hurley, Wilcox and Fetzer Court Reporter

Call to Order

Mr. Wilson chaired the meeting in absence of Mr. Freemark. He called the meeting to order at 1:05 p.m.

Review and Approval of Minutes

The Board reviewed the minutes of the February 1, 2012 meeting. Ms. Kaza made a motion to accept the minutes as submitted, seconded by Mr. Wertz. Motion carried unanimously. Mr. Lewis was not present to vote.

Hearings

07-10-10 – John B. Hendrickson

See attached hearing minutes below.

Proposed Rules and Regulations

See attached hearing minutes below.

Unfinished Business

Status of Complaints

07-01-10 – The Board tabled this agenda item until the April meeting.

07-03-10 – The Board tabled this agenda item until the April meeting.

New Business

New Complaints to Assign a Contact Person

There were no new complaints to assign.

Ratification of Certificate of Authorization Applications

Mr. Jennings made a motion to ratify the certificates of authorizations issued to Johnstone & Ilis, LLC, FMD Architects, Inc., and Yarosh Architects, Inc., seconded by Ms. Kaza. Motion carried unanimously.

Ratification of Reciprocity Applications – NCARB Certificate

Jose Santos
Jeffrey Fleisher
Douglas Seiler
George Reicherter
Richard Ruhf
Christopher Kenney

Mr. Wertz made a motion, seconded by Ms. Kaza, to ratify the above listing of approved NCARB certified architects by reciprocity. Motion carried unanimously. Mr. Lewis was not present to vote.

Review of 2011 Non-Compliant Audits

The Board reviewed the list of pending audits that had not yet been cleared. They determined to have six Rule to Show Cause hearings per month over the next three months starting in May for those licensees that have not complied with the Board's audit. Mr. Jennings stated that NCARB will be discussing the topic of audits at the regional meeting to determine what other states are doing pertaining to continuing education audits.

Other Business Before the Board (for discussion only)

Mr. Jennings stated that he and Mr. Wertz will be attending the upcoming Spring Regional Meeting and requests that the Board takes a vote to grant him and Mr. Wertz delegation to vote on behalf of Delaware. Mr. Schorah made a motion to grant Mr. Jennings and Mr. Wertz delegation to vote on behalf of Delaware that the Spring regional meeting, seconded by Ms. Kaza. Motion carried unanimously. Mr. Lewis was not present to vote.

Public Comment

There was no public comment.

Next Scheduled Meeting

The next meeting will be held on April 4, 2012 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

With no further business before the board, Mr. Wilson made a motion to adjourn the meeting, seconded by Mr. Schorah. The motion carried unanimously. The meeting adjourned at 5:02 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nicole M. Williams".

Nicole M. Williams
Administrative Specialist II

HEARING – John B. Hendrickson

The Delaware Board of Architects held a hearing on March 7, 2012 at 1:00 p.m. in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, Delaware.

PRESENT: Brian Lewis, Prameela Kaza (exited hearing at 2:38 p.m.), Peter Jennings, Kevin Wilson, Joseph Schorah, Richard Wertz

RECUSED:

EXCUSED:

PURPOSE: Disciplinary Hearing

PRESIDING: Kevin Wilson, Selected President in absence of Kenneth Freemark

BOARD STAFF: Nicole Williams, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Andrew Kerber, DAG.

DEPUTY ATTORNEY GENERAL FOR THE STATE: Stacey Stewart, Esq.

RESPONDENT: John B. Hendrickson

COUNSEL FOR THE RESPONDENT: Richard E. Berl, Jr., Esq.

WITNESSES FOR THE STATE: David Thomas, Tony Hernandez, Licensed Investigator for the Division

WITNESSES FOR THE RESPONDENT: Anderson Wright, Pat Ryan

COURT REPORTER PRESENT: Kim Hurley, Wilcox and Fetzer

TIME STARTED: 1:28 p.m.

The court reporter took verbatim testimony. The Counsel and Mr. Hendrickson made their introductions. The Board took a few minutes to review the original complaint and the answer to the complaint filed by Mr. Berl, Esq. Ms. Stewart, for the State, provided her opening argument for the record. Mr. Berl, for the respondent, provided his defending argument for the record. Ms. Stewart called Mr. Thomas for the State. Mr. Thomas was sworn in by the court reporter. Mr. Thomas provided testimony for the State. Ms. Stewart entered State Exhibit 1 as Mr. Thomas's complaint for the record. Ms. Stewart entered State Exhibit 2 as a copy of the shingle diagram for the record. Ms. Stewart entered State Exhibit 3 as photos of the shingles for the record. Ms. Stewart entered State Exhibit 4 as the drawings for the record. Ms. Stewart entered State Exhibit 5 as the letter from the Sussex County Chief of Building Code, Andy Wright, for the record. The State had no further questions. Mr. Berl cross-examined Mr. Thomas. There were no further questions for Mr. Thomas. The State called Tony Hernandez as a witness. Mr. Hernandez was sworn in by the court reporter. Mr. Hernandez provided his testimony for the State. Ms. Stewart entered State Exhibit 6 as a letter of response from Mr. Hendrickson to the complaint for the record. Ms. Stewart entered State Exhibit 7 as a letter from the Sussex County Chief of Building Code, Andy Wright of the wind requirement for the shingles. Ms. Stewart entered State Exhibit 8 as the 25 photographs taken by Mr. Hernandez for the record. Ms. Stewart circulated a color copy of the photos for additional clarification for the Board. The State had no further questions. Mr. Berl cross-examined Mr. Hernandez. The State rested. Ms. Kaza exited the hearing at 2:38 p.m. Mr. Berl called Mr. Anderson Wright as a witness for the respondent. Mr. Wright was sworn in by the court reporter. Mr. Wright provided his testimony for the

record. Mr. Berl entered Respondent Exhibit 1 as the plan review and inspection checklist from the Sussex County Chief of Building Code, Andy Wright, for the record. Mr. Berl entered Respondent Exhibit 2 as the plan review and inspection procedures document of the Sussex County Building Code Department for the record. Ms. Stewart cross-examined Mr. Wright.

The Board went off the record at 2:57 p.m. for a five minute break. The Board reconvened at 3:05 p.m. The Board questioned Mr. Wright as he was still under oath. There were no further questions for Mr. Wright. Mr. Hendrickson was called to testify by Mr. Berl for the record and was sworn in by the court reporter. Mr. Berl entered Respondent Exhibit 3 as a fax to Mr. Hendrickson from Mr. Gary Anderson of IKO Sales, Inc. for the record. Ms. Stewart cross-examined Mr. Hendrickson. The State had no further questions for Mr. Hendrickson. The Board questioned Mr. Hendrickson. Mr. Berl followed up questions with Mr. Hendrickson. There were no further questions for Mr. Hendrickson. Mr. Berl called Mr. Pat Ryan as an expert witness for Mr. Hendrickson. The State objected to the expert witness testimony of Mr. Ryan. The Board overruled the State's objection. Mr. Ryan was sworn in by the court reporter and provided his testimony. Mr. Berl entered Respondent Exhibit 4 as the curriculum vitae of Patrick Ryan, Registered Architect and Professional Planner for the record. Mr. Berl requested to enter the level of service guidelines for architectural assessment as an Exhibit and the State objected. The Board overruled the objection. Mr. Berl entered Respondent Exhibit 4 as the Architectural Assessment – Levels of Service Guidelines of French and Ryan, Inc. for the record. The State cross-examined Mr. Ryan. The State provided Mr. Ryan with State Exhibits 2, 3, and 8. The State and the Board allowed Mr. Ryan time to review the documents. The Board questioned Mr. Ryan. Mr. Berl deferred back to Mr. Ryan. The State objected to leading questions. Mr. Berl rephrased his question. The State rested. There were no further questions for Mr. Ryan. The State had one re-direct for Mr. Thomas. Mr. Thomas provided his testimony. The Board re-directed again to Mr. Thomas briefly. There were no further questions by the Board. Ms. Stewart provided her closing argument for the State. Mr. Berl provided his closing argument for the Respondent. The State provided a brief rebuttal. The Board was ready for deliberations. Due to the time constraint, the Board decided to reconvene on this matter for deliberations at a later date as the Board requested to have time to review all the exhibits further. Mr. Berl provided a statement regarding the original plans as an exhibit. Mr. Kerber stated that the hearing is adjourned as of 4:35 p.m. and will reconvene for deliberations at a later time.

Ms. Williams will set a date and send out the notice of the date for later in March.

HEARING – Rules and Regulations

The Delaware Board of Architects held a hearing on March 7, 2012 at 1:30 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, Delaware.

PRESENT: Richard Wertz, Joseph Schorah, Peter Jennings, Kevin Wilson, Brian Lewis

RECUSED:

EXCUSED:

PURPOSE: Rules and Regulations

PRESIDING: Kevin Wilson, Selected President in absence of Kenneth Freemark

BOARD STAFF: Nicole Williams, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Andrew Kerber, DAG.

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT:

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Kim Hurley, Wilcox and Fetzer

TIME STARTED: 4:43 p.m.

Mr. Kerber stated the purpose of the rules and regulations hearing. Mr. Kerber stated that the proposed regulations for the emeritus section will need to be approved for publication in a public notice for a separate hearing as it was not published in the registrar notice for today's hearing. The Board received two written comments one from Paul Guggenberger and another from Mr. Charles Weymouth. Mr. Guggenberger addressed concerns in regard to regulation 3.4.1 Applicants for Registration by Examination (ARE) as the Board's regulation stated to look to NCARB for request to sit for the exam however NCARB stated to check with the Board of Architects. Mr. Wilson responded with the recommendation from National Council on Architectural Registration Boards (NCARB) for the rule change to add a sentence which states that "an applicant who has met the education requirements as set forth in the NCARB Education Guidelines and has enrolled in the NCARB Intern Development Program by establishing an NCARB Record shall be eligible for admission to examination."

Mr. Kerber stated Mr. Weymouth's written comment addressed two concerns, one regarding the definition for responsible control and the other. Mr. Jennings addressed those concerns from Mr. Weymouth's written comments stating that the definition for responsible control was taken directly from NCARB's model law and competitions would require a law change rather than a rule change. It was determined that those changes do not need to be addressed in these currently proposed regulations.

Mr. Jennings stated that the current regulations do make mention to an emeritus status and since the proposed emeritus status changes to the rules did not get published; it will be noticed and published for another public rules and regulations hearing date.

The Board had no further discussions about the regulations. Mr. Wertz made a motion to approve the proposed regulations as submitted, seconded by Mr. Lewis. Motion carried unanimously. The hearing adjourned at 5:00 p.m.